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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 MICHAEL E. MOCKOVAK,

10 Petitioner,

11 v.

12 RON HAYES, Superintendent, Stafford
13 Creek Correctional Center,

14 Respondent.

Case No. C18-671-JLR-JPD

ORDER GRANTING RESPONDENT'S
UNOPPOSED MOTION TO STAY
AND ABEY HABEAS PROCEEDING

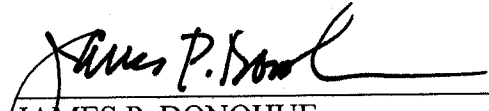
15 Petitioner, a state inmate at the Stafford Creek Correctional Center, is proceeding with
16 counsel in this 28 U.S.C. § 2254 habeas action. This matter comes before the Court upon
17 respondent's motion to stay and abey the instant habeas proceeding so that petitioner may
18 properly exhaust his federal habeas claims. Dkt. 19. Specifically, petitioner has a personal
19 restraint petition that is still pending in the Washington Court of Appeals. Respondent expects
20 the state court proceedings will not be completed for at least several months, and therefore asks
21 the Court to stay the federal petition and hold it in abeyance pending completion of the state
22 court proceedings. *Id.* at 2. Petitioner does not oppose respondent's request.

23 Accordingly, the Court, having reviewed respondent's unopposed motion, the
24 governing law and the balance of the record, ORDERS as follows:
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1 (1) Respondent's motion to stay and abey, Dkt. 9, is GRANTED. Both petitioner
2 and respondent are directed to notify this Court within two weeks after final resolution of
3 petitioner's state court proceedings. At that time, the Court will lift the stay on the instant
4 habeas action. The parties shall also report to this Court every 90 days on the status of
5 petitioner's state court proceedings.

6 (2) The Clerk of the Court is directed to send copies of this Order to petitioner,
7 respondent, and the Attorney General of the State of Washington.

8 DATED this 31st day of July, 2018.

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11 JAMES P. DONOHUE
United States Magistrate Judge